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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/810,324

03/16/2001

Steven M. Schein

ST- 028 Cont 2

9059

75563 7590 07/18/2008

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PATENT DOCKETING 39/361
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EXAMINER

PARRA, OMAR S

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

07/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/810,324	SCHEIN ET AL.	
	Examiner	Art Unit	
	OMAR PARRA	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 04/28/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims **1-37** have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1-4, 15-22 and 33-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al. (hereinafter 'Matthews', Pub. No. 2004/0139465) in view of Shoff et al. (hereinafter 'Shoff', Pub. No. 2005/0015815).

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Regarding claims 1, 9, 38 and 39, Matthews teaches an interactive guide having a display screen comprising:

a database for storing television schedule information including television program titles **(40, 46, 54 and 86, Fig. 3)**;

a display controller **(Processor 92, Fig.4)** electrically coupled to the database for displaying some of the television schedule information including television program titles on the display screen **([0063] lines 1-7)**;

an input device **([0066] lines 5-8)** that is configured to:

receive a first user selection of a television program title displayed on the display **([0066] lines 1-5 or selection of 'Seinfeld', Fig. 5)**; and

receive a second user selection requesting that data available on a public network and related to the selected television program title be displayed **([0069]-[0072], where the user clicks on a hyperlink to get additional information related to a title)**;

a processor configured to identify data available on a public network **(ISP host 80, Fig. 3 finds the web page that is going to be rendered by user interface 62, [0059]-[0060])** that is related to the single, selected television program title **(When a click on a hyperlink is performed, the supplemental content requested is related to that single program title, [0054]; [0060])**, the identified data comprising at least one item available for purchase **([0054])**.

a communication device for receiving the identified data related to the selected television program title **(100, Fig. 4; [0061])**; and

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a controller for displaying, in direct response to the second user selection, the received data related to the selected television program title on the display screen **(processor 92, Fig. 4, controls all the applications needed to render content from the ISP provider, EPG server, etc; [0063])**.

On the other hand, Matthews does not explicitly teach wherein the displayed data comprises a selectable option for purchasing the at least one item available for purchase.

However, in an analogous art, Shoff teaches a system that is capable of retrieving additional content related to a single title from internet when requested ([0016]-[0019]; [0050]-[0051]; [0068]). The additional content can be items related to the program that can be navigated through a user interface (buttons 232-236, Fig. 8c; [0074]-[0076]; [0079]-[0080]), which gives the user a selectable option for purchasing the item (Order button 237).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Matthews' invention with the selectable option for purchasing as taught by Shoff for the benefit of not having the user to call or go to a store to buy the presented additional content.

Regarding claims 2 and 20, the combined teachings of Matthews and Shoff teach an interactive program guide wherein the database resides on one or more remote file servers accessible through a communication link **(Matthews: 40, 46, 54 and 86, Fig. 3 connected to user through 74 and 82)**.

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Regarding claims 3 and 21, the combined teachings of Matthews and Shoff teach an interactive program guide wherein the communication link comprises the Internet **(Matthews: [0059]; [0072])**.

Regarding claims 4 and 22, the combined teachings of Matthews and Shoff teach an interactive program guide wherein the identified data comprises an advertisement **(Matthews: [0054])**.

Regarding claims 15 and 33, the combined teachings of Matthews and Shoff teach an interactive program guide wherein:

the processor **(Matthews: processor 92, Fig. 4)** is further configured to:

display preview programming for a future-scheduled television program **([0063], where 'The Single Guy' is displayed on Fig. 5, which is preview programming to 'Seinfeld' which is a future-scheduled television program)**;

identify a plurality of sources of information having data related to the future-scheduled television program **([0077])**;

select an identified source of information having data related to the future-scheduled television program **(Any of the shown hyperlinks can be selected individually, [0069])**;

the communication device is further configured to establishing a link to the identified source of information **(100, Fig. 4; [0061])**; and

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the controller is further configured to display data from the linked source of information on the screen **(processor 92, Fig. 4, controls all the applications needed to render content from the ISP provider, EPG server, etc; [0063])**.

Regarding claims 16 and 35, the combined teachings of Matthews and Shoff teach wherein the data related to the future-scheduled television program comprises one or more of an advertisement, a video preview, and textual information **([0054]; [0067] or Entire Fig. 5)**.

Regarding claims 17 and 36, the combined teachings of Matthews and Shoff teach wherein the processor is further configured to store and display advertisement data **([0054]; [0056] lines 1-4 and 9-12)**.

Regarding claims 18, 34 and 37, the combined teachings of Matthews and Shoff teach wherein the identified data comprises one or more of television program actors, actresses, themes, other broadcast times, other broadcast sources, and associated available products **([0054]; Actor -inherently, actress also-; associated available products -'trekiecollectables.html', Fig. 2)**.

5. Claims **1-39** are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz et al. (hereinafter 'Herz', Patent No. 5,758,257) in view of Matthews, III et al. (hereinafter 'Matthews', Pub. No. 2004/0139465) and further in view of Shoff et al. (hereinafter 'Shoff', Pub. No. 2005/0015815).

Regarding claims 1, 19, 38 and 39, Herz teaches an interactive program guide (with respective method) having a display screen comprising:

a database for storing television schedule information including television program titles (Col. 25, lines 16-18). For instance, at co1.25, line 16, Herz discloses "storing at the set top multimedia terminal..." Clearly, this meets the limitation of storing television schedule information (EPG) including television program titles.

a display controller electrically coupled to the database for displaying some of the television schedule information including television program titles on the display screen (Co1.5, lines 13-15).

an input device (RC 1008; Fig. 10) that is configured to receive a 1st user selection of a program title display on the display screen, (reads on the user using cursor of the RC to navigate the EPG for television program title selection; in doing so the TV program title is highlighted each time the cursor lands on each grid of the EPG that contains corresponding TV program title; Col. 45, lines 35-50);

a processor (Fig. 10, el. 1006) for identifying data available on the public network (Internet) that is related to the selected television program title (reads on the system bases on user's profile that contains of selected ~ program titles viewed by a viewer, the system identifies related data, i.e. advertisement, to selected TV program title viewed and then presents it to viewer; see Col. 41, lines 20-25 and Col. 51, lines 48-55. Moreover, Herz discloses the collected data,

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i.e. user profile, could be collected by the data collection system 508,622 on a real-time basis, see Col. 42, lines 60-63; For example, the TV program title is collected by the data collection system (508,622) each time the user selects it, and based on the collected data (selected TV program title viewed by a viewer), the system identifies related data to the collected data and then presents related data to corresponding viewer);

a communication device (Fig. 10, el. 1020) for receiving the identified data related to the selected television program title; and

a controller for displaying the received data related to the selected television program title on the display screen (Col. 46, lines 54-60 and Col. 51, lines 3-65+).

On the other hand, Herz does not explicitly disclose that the receiver device able to receive a 2nd user selection requesting that data available on a public network, in direct response to the 2nd user selection, the controller for displaying the received data related to the selected television program title be displayed after the 1st selection.

However, in an analogous art, Matthews teaches an EPG where selection of a program (highlighting of a title) is performed on without displaying data related to the television program (User can position cursor 126, Fig. 5 and hyperlinks are displayed for the user to get additional information, which is not displayed until links are clicked on, [0066]-[0072]). In addition to this feature, a second user selection can be made for additional data on said first selected program and as response to that request, data is received and presented from an

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internet server ([0063] lines 11-17; [0069]-[0072]). This data can be any from advertisement, merchandise, etc ([0054]).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Herz' invention with the features described above as taught by Matthew's for the benefit of integrating hyperlinks within the EPG and letting the viewer readily identify supplemental information to the programs and access it without having to remember that certain program has related information or surfing through channels or internet to look for related information (Matthews, [0035]).

Additionally, the combined teachings of Herz and Matthews do not explicitly teach a selection option for purchasing at least one of the items available for purchase.

However, in an analogous art, Shoff teaches a system that is capable of retrieving additional content related to a single title from internet when requested ([0016]-[0019]; [0050]-[0051]; [0068]). The additional content can be items related to the program that can be navigated through a user interface (buttons 232-236, Fig. 8c; [0074]-[0076]; [0079]-[0080]), which gives the user a selectable option for purchasing the item (Order button 237).

Therefore, it would have been obvious to an ordinary skilled in the art at the time of the invention to have modified Herz and Matthews' invention with the selectable option for purchasing as taught by Shoff for the benefit of not having the user to call or go to a store to buy the presented additional content.

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Regarding claims 2 and 20, wherein the database resides on one or more remote file servers accessible through a communication link (**Herz: col. 46 lines 65-67; Matthews: 40, 46, 54 and 86, Fig. 3 connected to user through 74 and 82).**

Regarding claims 3 and 21, wherein the communication link comprises the Internet (**Herz: Col.51, lines 6-7. Matthews: [0059]; [0072]).**

Regarding claims 4 and 22, wherein the identified data comprises an advertisement (**Herz: Col. 41, lines 20-25; Co1.47, lines 59-67 and Co1.48, lines 1-5. Matthews: [0054]).**

Regarding claims 5 and 23, wherein the processor is further configured to:
monitor and store a plurality of user selections of television programs
(**Herz, Co1.14, lines 3-7; Col.25, lines 37-41);**

learn a user preference based on the plurality of user selections of television programs (**Herz, Col. 6, lines 50-57); and**

activate the program guide based on the user preference (**Herz, Col.23, lines 1-7).**

Regarding claims 6 and 24, wherein the processor is further configured to store the user preference responsive to a user input (**Herz, Co1.22, lines 19-65).**

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Regarding claims 7 and 25, wherein the user preference comprises a television program **(Herz, col.25 lines 16-18)**.

Regarding claims 8 and 26, wherein the user preference comprises a theme for a plurality of television programs **(Herz, Col. 4, lines 32-34)**.

Regarding claims 9 and 27, wherein the processor is further configured to remind a user to view a preferred television program **(Herz: Col.23, lines 1-7)**.

Regarding claims 10 and 28 , wherein the processor is further configured to record_a preferred television program **(a record is kept of all movies or shows watched by all customers, Col. 1, lines 50-55 and Col.38, lines 42-43)**.

Regarding claims 11 and 29, wherein the processor is further configured to download a copy of a preferred television program to a digital storage medium **(memory; Co1.51, lines 40-52)**.

Regarding claims 12 and 30, wherein the processor is further configured to:

search the television schedule information **(Herz, Col. 5, lines 54-58)**;

identify television programs matching the theme for the plurality of television programs **(Herz, Col. 6, lines 1-35)**; and

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record the television programs matching the theme for the plurality of television programs **(Herz, Col. 25, lines 15-30)**.

Regarding claims 13 and 31, wherein the processor is further configured to:

search the television schedule information **(Herz, Col. 5, lines 54-58)**;

identify television programs matching the theme for the plurality of television programs **(Herz, Col. 6, lines 1-35)**; and

download a copy of the television programs matching the theme for the plurality of television programs to a digital storage medium **(Herz, Col. 25, lines 15-30)**.

Regarding claims 14 and 32, wherein processor is further configured to adapt the television schedule information displayed on the screen based on the user preference **(Herz, Col.45, line 14-38)**.

Regarding claims 15 and 33, wherein the processor **(Matthews: processor 92, Fig. 4)** is further configured to:

display preview programming for a future-scheduled television program **(Herz, Col.48, lines 48-55)**;

identify a plurality of sources of information **(Herz, Col.4, lines 33)** having data related to the future-scheduled television program **(Herz, Col. 41, lines 25-30)]**;

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select an identified source of information (**advertiser**) having data (**advertisement**) related to the future-scheduled television program (**Herz, Col. 41, lines 25-30**);

the communication device is further configured to establishing a link to the identified source of information (**Herz, Fig.10, Col.47, lines 55-65+**); and

the controller is further configured to display data (**targeted advertising**) from the linked source of information (**advertiser**) on the screen (**Herz, col. 47 lines 54-65+**).

Regarding claims 16 and 35, wherein the data related to the future-scheduled television program comprises one or more of an advertisement, a video preview, and textual information (**Herz, Col.47, lines 54-65+; Col. 51, lines 5-28 and lines 50-52**).

Regarding claims 17 and 36, wherein the processor is further configured to store and display advertisement data (**Herz, Col. 47, lines 59-67 and Col.48, lines 1-5**).

Regarding claims 18, 34 and 37, wherein the identified data comprises one or more of television program actors, actresses, themes, other broadcast times, other broadcast sources, and associated available products (**Herz, Col. 4, lines 64-67; Col. 51, lines 48-55**).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, with every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OP

**/Christopher Grant/
Supervisory Patent Examiner, Art Unit 2623**